

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL C. WARD,

Petitioner,

Case No. 2:19-cv-12543
Hon. Arthur J. Tarnow

v.

WILLIS CHAPMAN,

Respondent.

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**ORDER DENYING PETITIONER'S MOTIONS FOR RECONSIDERATION
(ECF NO. 60) AND TO SUPPLEMENT (ECF NOS. 58, 64), AND
DIRECTING THE TRANSFER OF ALL FUTURE PLEADINGS TO THE
SIXTH CIRCUIT COURT OF APPEALS**

Petitioner Michael C. Ward's habeas case is closed following this Court's orders dismissing his petition (ECF No. 30) and denying his motions for reconsideration and to amend his petition. (ECF No. 54, 55.) Petitioner has now filed another motion for reconsideration (ECF No. 60) and two supplemental pleadings (ECF Nos. 58, 64), which the Court will construe as motions for leave to supplement the motion for reconsideration.

As of August 31, 2020, the Court has directed Petitioner to file all future pleadings with the Sixth Circuit Court of Appeals. (See ECF Nos. 54, 55.) In addition, because Petitioner has filed two Notices of Appeal (ECF Nos. 44,¹

¹ The Sixth Circuit denied Petitioner's request to stay his appeal raised in his

Ward v. Chapman, 19-12543

62), which “divest[] the district court of jurisdiction to act in a case . . .” *Fort Gratiot Sanitary Landfill, Inc. v. Mich. Dep’t of Natural Res.*, 71 F.3d 1197, 1203 (6th Cir.1995), the Court is without jurisdiction to act on Petitioner’s motions.² Finally, motions to supplement pleadings may be denied on the basis of futility. See *Spies v. Voinovich*, 48 F. App’x 520, 527 (6th Cir. 2002) (motions to supplement pursuant to Fed. R. Civ. P. 15(d) reviewed under the same standard as R. 15(a) motions to amend); *SFS Check, LLC v. First Bank of Delaware*, 774 F.3d 351, 355 (6th Cir. 2014) (Rule 15(a) motions may be denied as futile).

For the reasons stated above, Petitioner’s motions for reconsideration (ECF No. 60) and to supplement his motion for reconsideration (ECF Nos. 58, 64) are **DENIED**.

The Clerk of the Court is **DIRECTED to TRANSFER** all future pleadings on this matter to the Sixth Circuit Court of Appeals.

IT IS SO ORDERED.

first notice of appeal. (See ECF No. 61.)

² Even if the Court had jurisdiction, the motions would be denied, as Petitioner may not re-argue his case on reconsideration, see *Bank of Ann Arbor v. Everest Nat. Ins. Co.*, 563 F. App’x 473, 476 (6th Cir. 2014); nor may he “present the same issues already ruled upon by the court[.]” *Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997).

Ward v. Chapman, 19-12543

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge

Dated: September 28, 2020